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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

public (Spl) - DEPARTMENT

G.O. No. / ~~B.P. No.~~	2370	Press / Mis.
Dated	18-5-51	196

Not to be folded or roughly handled

Village Officer - Karnam - Chittoor district and taluk - Pattoor village - Dismissal - G.O.No.Ms.1303 (Confdl.) Revenue dated 25-5-51 Expunction of Remarks against Board of Revenue - Request not granted papers recorded.

Confidential.
D.O.No.A 3318/51-1

Board of Revenue, Madras,
Dated the 13th July 1951.

My dear Ramunni Menon,

Subject: Village Officers - Karnam, Chittoor district and taluk - Pattoor village - Dismissal - G.O.No.1303 (Confdl.) Revenue dated 25-5-1951 - Expunction of the remark against the Board.

Read: G.O.No.Ms.1303 (Confdl.) Revenue dated 25th May 1951.

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I invite your attention to the last sentence of paragraph 1 of G.O.No.Ms.1303 Confdl. Revenue dated 25-5-1951, in which the Government in the Revenue Department have been "constrained to remark" that in upholding the decision of the Collector of Chittoor in his Ref.No.6832/49 dated 2-6-1949 the Board of Revenue "has not exercised its appellate powers properly and in a manner that would meet the ends of justice and equity". When I met the Hon'ble the Chief Minister at the Secretariat on the 10th instant I discussed the merits of the appeal by the village officer to the Board on the lines of the note which is appended to this D.O. and protested against the remarks of the Government against the Board. He desired me to address the Government in the matter. Accordingly, I am writing this D.O. to you. Please see the attached note which discusses in detail the facts of the case. If the Government are pleased to agree with my views expressed in it, I shall be most grateful if the remarks made by the Government and referred to above are kindly expunged from the G.O. I may also be permitted to point out with great respect that it has long been the established convention to communicate such remarks in a D.O.letter rather than in a Government Order.

Yours sincerely,

Sd/

To
Sri K.Ramunni Menon, I.C.S.,
Chief Secretary to Government,
Public (Special) Department
with a note.

p.t.o.

Note.

In his Rc.B.1343/48 dated 28-9-1948 the Revenue Divisional Officer, Chittoor, framed eight charges against the karnam of Pattoor village, Chittoor taluk. He held charges 4, 5, 6 and 8 and one transaction in charge 1 proved and dismissed the karnam from service (Chittoor R.D.O's Order D.Dis.1343/48 dated 5-4-1949). On appeal, the Collector of Chittoor dropped charges 4, 5, and 8 as either insignificant, superfluous or not proved, and upheld the conviction and punishment on the basis of charges 1 (in part) and 6, which he considered serious. (Chittoor Collector's Ref.A-5-6832/49 dated 2-6-1949). In Board's L.Dis.A.3764/49 dated 20-2-1950, the Board dismissed the second appeal agreeing with the Collector's findings. This order of the Board is statutorily final under Section 23 (1) of Act III of 1895.

2. The Government, however, entertained a petition from the dismissed karnam, called for the records, examined them and passed orders in G.O.Mis.1303 Revenue dated 25-5-1951, informing him that no appeal or revision lay to the Government.The Government, however, expressed the view that charge 1 cannot stand and that charge 6 which has been held proved by the Board and the Collector (with which finding they agreed) relates to minor lapses which do not justify the punishment of dismissal. They were also pleased to pass the foll wing strictutre against the Board:

" The Government are constrained to remark that in upholding the decision of the Collector in second appeal the Board of Revenue has not exercised its appellate powers properly and in a manner that would meet the ends of justice and equity."

3. Charge 1 runs as follows:-

" That the karnam collected Rs.4-10-0 in fasli 1355 and Rs.4-1-0 in fasli 1356 from one Chakala Lakshmiah and did not exhibit them in the village accounts Nos.

14 and 16. Though Lakshmiah does not own patta No.187 he has collected land revenue amounts and misappropriated them without bringing them to account. He has obtained the receipt book of China Basaviah and removed the relevant receipts without his knowledge to conceal his fault, with a view to escape punishment".

The charge consists of three parts. The first part says that the karnam collected Rs.4-10-0 in fasli 1355 and Rs.4-1-0 in fasli 1356 from one Chakala Lakshmiah and did not exhibit them in accounts Nos.14 and 16. This part of the charge failed as the amounts were found to have been collected by the headman and not by the karnam.

2. The second part of the charge relates to the collection and misappropriation by the karnam of certain amounts from Lakshmiah on account of Patta No.187, in which he has no interest whatever. The amount involved in this charge is not specified. But from oral evidence as well as from the receipt produced by Lakshmiah, it is seen that a sum of Rs.1-8-0 was collected from him by the karnam on 18-1-1944 on account of patta No.187 for fasli 1353. China Basaviah is the sole pattadar of 187 and Lakshmiah has absolutely no land and no interest in the patta. This is spoken to by Lakshmiah and China Basaviah and admitted by the karnam himself. A karnam is not empowered to collect kist; and the fact that the karnam in this case collected the amount from Lakshmiah who had no interest in the patta raised the presumption that he did so with a view to misappropriate the amount. To verify whether the amount was brought to account or whether it was misappropriated by the karnam, it was necessary to scrutinise village accounts Nos.13 and 14. But these accounts were not available as the karnam said that they were burnt with his house in a fire accident. The charge of misappropriation had therefore to be dropped.

3. The significance of the third part of the charge will now become apparent. The Tahsildar wanted to find out, in spite

of the disappearance of accounts Nos.13 and 14, whether the karnam had really misappropriated the sum of Rs.1-8-0 collected by him. For this purpose, he summoned China Basaviah who is the sole pattadar of No.187 to produce his receipt book. The idea was to find out whether this man had paid the full amount due on his patta 187. If he had paid it, the inference would have been that the karnam had misappropriated Rs.1-8-0 unauthorisedly collected by him. But, when the book was called for, the karnam took it away from China Basaviah and kept it with him for a few days. When China Basaviah subsequently produced the book, the sheets containing the receipts relating to faslis 1353-55 were found missing. The karnam explained that, when summoned, China Basaviah sent the book through him, when he noticed that the cover and one page were torn. He put the two pieces in the book and produced it; he was unable to account for the torn receipts. It is obvious that the karnam was responsible for the removal of the missing sheets for the following reasons:-

(1) In the receipt book that was produced, receipts are available up to 12-2-42 (fasli 1352) and from 11-12-46 (fasli 1356). The receipts relating to the interim period faslis 1353 to 1355 are the receipts that were required to verify the complaint against the karnam by Lakshmiah.

(2) After sommons were issued on the present complaint the karnam (though he was not asked to produce it) voluntarily took the receipt book from Basaviah who is the legal possessor, kept it with him for some time and then produced it through the party in the Taluk office, when the torn marks were seen by the party who could not account for the mischief, except that the karnam had access to the book by way of having it with him till the date of hearing.

(3) The relevant accounts of the karnam, it is pleaded by the karnam, were burnt; but the karnam did not report this fact to the Revenue authorities.

(4) The karnam is unable to say what other accounts in his custody were burnt.

p.t.o.

In these circumstances, the Revenue Divisional Officer held the view that this part of the charge was proved. The Collector upheld it and the Board agreed with the Collector that the charge of tampering with the records was proved from the circumstantial evidence, though the charge of misappropriation itself had not been proved.

4. The Government observe that it is a contradiction to say (i) that the charge of misappropriation has not been proved; and (ii) that the karnam tampered with the relevant receipts to conceal his fault with a view to escape punishment. But the alleged misappropriation by the karnam related to a sum of Rs.1-8-0 collected by the karnam on account of patta No.187 for fasli 1353 referred to in the second part of the charge and not to Rs.4-10-0 and Rs.4-1-0 referred to in the first part of the charge. In fact these two amounts were not collected by the karnam and so no question of misappropriation arises in respect of them. There is evidence that the karnam did collect Rs.1-8-0. But, in the absence of village accounts Nos.13,14 and 16 which apparently have been purposely done away with, there was no evidence to establish misappropriation by the karnam. It was for this reason that this part of the charge relating to misappropriation by the karnam was held to have been not proved. It cannot, however, be argued that, because the misappropriation has not been established, the charge relating to tampering with the receipts is unsustainable, false or incorrect, especially when there is abundant circumstantial evidence and every likelihood of the karnam having committed the act. With due respect to Government, to hold that the charge of tampering with the receipts is proved is no contradiction to the decision that the charge of misappropriation has not been proved.

5. As regards charge No.6, the Board considered the fudging of figures in Account Nos.1 and 1-A for August 1947 as serious. The Government have taken the view that it was only a minor lapse. It is submitted that deliberate fudging of accounts can hardly be regarded as a minor lapse.

p.t.o.

6. Moreover, this karnam has a really bad record. He has been suspended for a total period of 2 years and 1½ months and has also been fined six times.

7. In these circumstances, the Board submits that, while there may be a difference of opinion as regards the merits of the case between the Government and the Board, there is no justification to remark that the Board failed to exercise its appellate powers properly and in a manner that would meet the ends of justice and equity.

Sd/

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Confidential. Public (Special) Department.

D.O.No.2419/51-2 dated 11-9-51.

My dear Sathianathan,

Ref: Your D.O.(Confdl.) No.A.3318/51-1 dated 13-7-51.

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With reference to your D.O. cited, I am to say that the Government have considered the matter carefully and have come to the conclusion that the remarks made about the Board in G.O.Ms.No.1303 Revenue (Confdl.) dated the 25th May 51 need not be expunged.

Yours sincerely,

Sd/

To

Sri D.R.S.Sathianathan, I.C.S.,
Member , Board of Revenue.

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contd..

GOVERNMENT OF MADRAS.

Sub: Village Officer - Karnam - Chittoor district and taluk - Pattoor village - Dismissal - G.O.No.Ms.1303 (Confdl.) Revenue dated 25-5-51 - Expunction of Remarks against Board of Revenue - Request not granted - papers recorded.

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Public (Special) Department.

G.O.Ms.No.2370 Dated 19-9-51.

Recorded.

Sd/

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